

Remarks

The above amendments have been made to place the application in better form for examination. Upon entry of the foregoing amendment, claims 1-9 and 11-17 are pending in the application, with claims 1, 5, 16 and 17 being the independent claims. New claim 17 is sought to be added. New claim 17 combines the subject matter of claims 5 and 10. Despite the present rejection of claims 5 and 10, Applicant submits new claim 17 is allowable.

Objections to the Specification

On page 2 of the Office Action, the Examiner objects to the abstract of the disclosure. Applicant has amended the abstract to comply with MPEP § 608.01.

The Examiner also objects to the title and has required a new title. Applicant traverses this rejection and believes the present title complies with the requirements of MPEP § 606. There is no requirement that the title be five words or less. Accordingly, a new title has not been provided.

Allowable Subject Matter

On page 2 of the Office Action, claims 1-4 and 11-16 are allowed. Applicant thanks the Examiner for the indication of allowed subject matter. Applicant notes, however, that claims 13-15 depend indirectly from a rejected claim. Applicant requests that the Examiner clarify the status of claims 13-15.

Rejections Under 35 U.S.C. § 112

On page 2 of the Office Action, the Examiner rejects claims 5-10 under 35 U.S.C. § 112, second paragraph, as failing to set forth the subject matter which applicant regards as the invention. The Examiner points to the specification (page 2, lines 8-11) as evidence that claims 5-10 fail to correspond in scope with that which the applicant regards as his invention. Using such evidence is improper. MPEP § 2172 states that "[a] rejection based on the failure to satisfy [the requirement of 35 U.S.C. § 112, second paragraph] is appropriate only where the applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims." MPEP § 2172 further states that "[t]he content of the applicant's specification is not used as evidence that the scope of the claims is inconsistent with the subject matter which applicants regard as their invention. As noted in *In re Ehrreich* (citations omitted), agreement, or lack thereof, between the claims and the specification...is irrelevant to compliance with the second paragraph of [section 112]."

Furthermore, the specification describes the subject matter recited in claims 5-10. The application, as filed, refers to "a manufacturing method for a crystallized polyester beer bottle." (page 2, lines 25-29; page 3, lines 1-11). Additionally, the substitute specification, on page 2, lines 15-33, refers to the same method. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

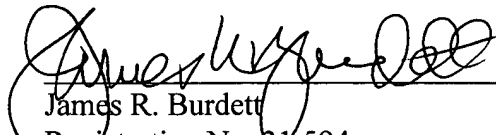
Applicant: Chio WONG
Appl. No. 10/051,362

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: 7/24/2003


James R. Burdett
Registration No. 31,594
Daniel G. Vivarelli, Jr.
Registration No. 51,137
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300

DC2/471383